

Complying with State Infection Control Practices

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All of our contact information is on the website: www.health.nv.gov/hcqc.htm under HCQC Contacts

Objectives

- Identify state statutes and regulations governing medical facilities in Nevada.
- Identify infection prevention and control regulations
- Discuss new statutes and the resulting regulations, including the regulations development process

Nevada Revised Statutes and Nevada Administrative Code

- Chapter 449: MEDICAL AND OTHER RELATED FACILITIES
- Chapter 439: ADMINISTRATION OF PUBLIC HEALTH
- Chapter 439A: "PROGRAMS TO INCREASE AWARENESS OF INFORMATION CONCERNING HOSPITALS AND SURGICAL CENTERS FOR AMBULATORY PATIENTS"
- Chapter 441A: COMMUNICABLE DISEASES
- Chapter 446: FOOD ESTABLISHMENTS
- Chapter 459: "STATE CONTROL OF RADIATION"
- Chapter 652: MEDICAL LABORATORIES

NRS 449.0151 "Medical facility" defined.

- "Medical facility" includes:
 1. A surgical center for ambulatory patients;
 2. An obstetric center;
 3. An independent center for emergency medical care;
 4. An agency to provide nursing in the home;
 5. A facility for intermediate care;
 6. A facility for skilled nursing;
 7. A facility for hospice care;
 8. A hospital;
 9. A psychiatric hospital;
 10. A facility for the treatment of irreversible renal disease;
 11. A rural clinic;
 12. A nursing pool;
 13. A facility for modified medical detoxification;
 14. A facility for refractive surgery;
 15. A mobile unit; and
 16. A community triage center.
- (Added to NRS by 1973, 1279; A 1975, 366; 1979, 161, 887, 1113; 1983, 1657; 1985, 1736; 1989, 304, 1035, 1037; 1999, 248, 970; 2001, 1341; 2005, 532, 2693)

Authority

- **NRS 449.037 Adoption of standards, qualifications and other regulations.**

- This is the specific statute that gives the Health Division the authority to regulate medical facilities
- This is the provision the Health Division generally cites for the majority of its medical facilities regulations

Infection Prevention and Control Statutes and Regulations: Hospitals

- There are only two regulations that specifically address infection prevention and control (IP&C) for hospitals:
 - NAC 449.325 Prevention, control and investigation of infections and communicable diseases.
 - NAC 449.327 Preparation, sterilization, storage and distribution of sterile supplies and medical and surgical equipment.

Infection Prevention and Control Statutes and Regulations: SNFs

- Three regulations specifically address IP&C in Nevada's nursing homes:

- NAC 449.74473 Program for control of infections
- NAC 449.74477 Pressure sores
- NAC 449.74479 Urinary problems.

Infection Prevention and Control Statutes and Regulations: Group Homes and Assisted Living Facilities

NAC 449.271 Residents requiring gastrostomy care or suffering from staphylococcus infection or other serious infection or medical condition. (NRS 449.037) Except as otherwise provided in NAC 449.2736, a person must not be admitted to a residential facility or permitted to remain as a resident of a residential facility if he:

1. Requires gastrostomy care;
 2. Suffers from a staphylococcus infection or other serious infection; or
 3. Suffers from any other serious medical condition that is not described in NAC 449.2712 to 449.2734, inclusive.
- (Added to NAC by Bd. of Health by R003-97, eff. 10-30-97)

Infection Prevention and Control Statutes and Regulations: ASCs

- Prior to the adoption of new regulations for ASCs, there was only one regulation that addressed this issue with another regulation generally addressing "sanitation and housekeeping."

New Regulations for ASCs Effective October 25, 2008

- LCB File No. R096-08:
 - Requires ASCs to establish a program for IP&C and communicable diseases;
 - Requires the governing body to adopt guidelines for the program;
 - Revises provisions relating to the administration of medication;
 - Revises provisions governing medications used; and
 - Revises the requirements for blood transfusions

Where do I find the regulations?

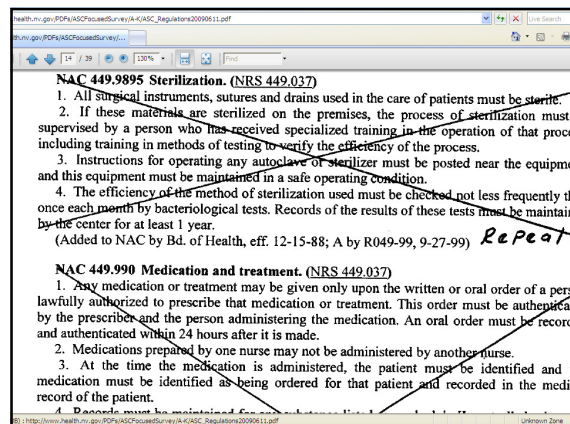
- Two places
 - The Nevada Register at the Law Library link on the Nevada Legislature's website:
www.leg.state.nv.us/law1.cfm
 - On the Bureau's website under the Health Facilities link, Ambulatory Surgical Centers (left side of the page):
http://www.health.nv.gov/HCQC_HealthFacilities.htm

How do I know which regulation is the correct one?

- The regulations have not been codified
- On our website, under the same Ambulatory Surgical Centers link, we've posted a marked up version.
- It shows which regulations have been repealed and which are now in effect

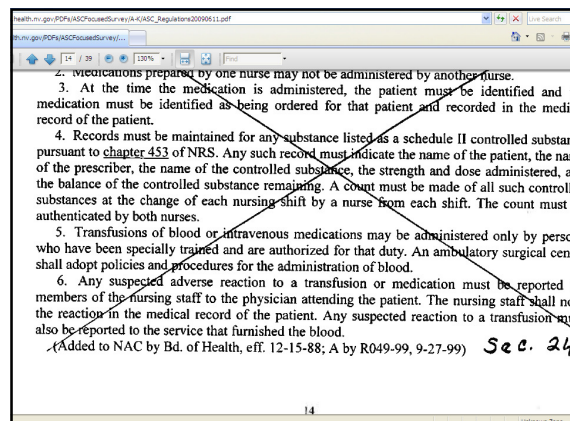
Repealed and New Sections

- The following slide illustrates how we have represented the sections of the regulations that have been repealed.
- Although they were repealed, they were essentially rewritten in completely new sections.



New Sections

- We cross-referenced the previous sections with the new sections as noted on the following slide.
- They are handwritten notes
- On the following slide, it's depicted as: Sec. 24 after the repealed section



New Sections (cont.)

- Entirely new sections will eventually have their own NAC number when the regulations are codified.
- Until then, if citations are made for violations of these new sections, they'll be cited to the Nevada Register number.

Citing to New Regulations

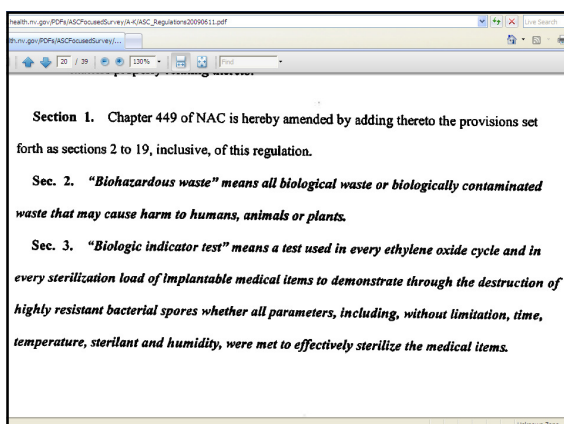
- Until the regulations are codified, a citation will reference the regulation number, which is LCB File No. R096-08, and then the relevant section number.
- We are surveying to these adopted regulations as well as any existing regulations that weren't changed or repealed

Interpreting the Adopted Regulations

- The Bureau's supervisory staff are working on interpretive guidelines that should be issued to all providers by the end of the year.
- In the meantime, facilities need to have well-documented justification for their practices and your staff need to be able to demonstrate competence in carrying out the practices.

What do the new regulations look like?

- The following slide is a snapshot of what the new regulatory language looks like.
- This snapshot is of new definitions sections.
- When codified, they will be found in Chapter 449 of the NAC.



Licensing Section Amended

- **NAC 449.9785 Conformance with regulations required.**
 - NAC 449.9785 is hereby amended to read as follows:
 - 449.9785 During the term of his license, the licensee shall continuously maintain the ambulatory surgical center in conformance with provisions of NAC 449.971 to 449.996, inclusive, and sections 2 to 19, inclusive of this regulation. Any violation of these provisions may result in the suspension or revocation of the license.

New Legislation

- A number of measures were enacted that result in new laws and regulations impacting ASCs.
- A more comprehensive list was presented during the Wednesday session and will be posted on our website

What's on the horizon?

- One specifically: New regulation to allow clinicians within their scope of practice to perform history and physical exams in ASCs, in particular, podiatrists
- Regulations to implement a number of bills as identified in earlier session
- Need to get on distribution lists for notices
- Need to let us know if you want to participate in work groups to develop the regulations

Summary

- The next 2 to 3 years will be very busy with implementation of the new regulations.
- Lines of communication need to stay open for effective implementation.